

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRAVIS D. GRIFFIN,

Plaintiff,

-against-

SANTANDER BANK et al., SANTANDER
CONSUMER, USA et al.,

Defendants.

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FEUERSTEIN, District Judge.

ORDER
12-CV-1249 (SJF)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ APR 28 2014 ★

LONG ISLAND OFFICE

On March 14, 2012, plaintiff Travis D. Griffin ("plaintiff") commenced this action alleging civil rights violations pursuant to 42 U.S.C. §§ 1981 and 1982. Plaintiff has appeared *pro se* since this case was filed, but never sought leave to proceed in forma pauperis. On January 16, 2014, the Court adopted the Report and Recommendation of Magistrate Judge E. Thomas Boyle and granted defendants' motion for summary judgment. DE 61. Final judgment was on entered on January 28, 2014 and the case was closed.

Plaintiff timely filed a Notice of Appeal of the judgment on February 28, 2014, at which time he also filed a motion to proceed in forma pauperis on appeal. For the following reasons, plaintiff's motion is denied.

Pursuant to Federal Rule of Appellate Procedure 24(a)(1), a party who did not proceed in forma pauperis in the district court, but who wishes to so proceed on appeal, must file a motion with the district court and attach an affidavit that: "(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on

appeal.”

The affidavit attached to plaintiff’s motion states “I believe I am entitled to redress” (DE 65 pp. 3 & 21) and contains a detailed explanation of plaintiff’s financial situation. Plaintiff’s affidavit also includes a page entitled: “Issues plaintiff-appellant intends to present on appeal.” *Id.* at p. 17. This section discusses the standards for Federal Rules of Civil Procedure 12(b)(6) and 56(a) motions and the standards applied in adopting a magistrate judge’s report and recommendation. It does not, however, delineate the issues to be raised on appeal. For that reason, plaintiff’s motion for in forma pauperis status on appeal must be and hereby is **DENIED**.

SO ORDERED.

Dated: April 28, 2014
Central Islip, New York

s/ Sandra J. Feuerstein

Sandra J. Feuerstein, U.S.D.J.